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VW PRODUCTIONS/Ability Today, Inc.

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April 9, 1999

To: Ms. Hope Cooper, Attorney/Advisor
From: Doreen Vincent (Tel/Fax: (513) 731-7705)

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

mm Docket Nos
98-204
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96-16

Dear Ms. Cooper:

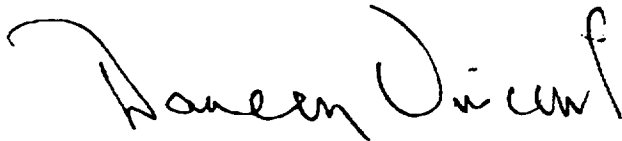
Many thanks to you and Mr. Pulley for your courtesy.

After speaking with Mr. Pulley and yourself, I'm not sure if my 1998 comments to FCC's "Notice of Proposed Rulemaking" were regarded or disregarded. And having learned subsequent to the submission of those comments that there is a lack of disability language in FCC EEO rules for licensees, I wish to make an amendment to my comments. I understand this has to be done before April 15th.

I am part of the nation's massive disabled community. I was vocationally rehabilitated in the field of broadcast media following a major stroke in 1980. I can therefore personally relate to the dire need for program outreach to the forty-million strong disabled population. In May 1998, in direct response to the FCC's "Notice of Proposed Rulemaking", I submitted informed comments regarding this situation (see copy.)

Subsequent to sending FCC those comments I was stunned to learn that your agency's EEO rules for licensees disregard disability. That is FCC Rule 73.2080 *overtly prohibits* job discrimination in the case of race, color, religion, national origin, and sex—but not disability. In the case of disability the FCC *covertly assumes* that licensees will act in "good character" when it comes to employing qualified people with disabilities? This is not Equal Opportunity!

Again, thanks for your courtesy. I hope the collaborative articles will be enlightening.



Doreen Vincent

fxc: Barbara Corner/ OLRS

Federal Communications Commission**FCC 98-55**

Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C.

In the Matter of)	
)	
Implementation of Section 255 of the)	
Telecommunications Act of 1996)	
)	WT Docket No. 96-198
Access to Telecommunications Services,)	
Telecommunications Equipment, and)	
Customer Premises Equipment)	
by Persons with Disabilities)	

NOTICE OF PROPOSED RULEMAKING

Adopted: April 2, 1998

Released: April 20, 1998

Comment Date: June 30, 1998
Reply Comment Date: August 14, 1998

By the Commission: Commissioners Furchgott-Roth, Powell and Tristani issuing separate statements.

TABLE OF CONTENTS

	Paragraph
I. INTRODUCTION; SUMMARY	1
II. BACKGROUND	8
A. Legislation	8
B. Commission Notice of Inquiry	11
C. Telecommunications Access Advisory Committee Report	12
D. Access Board Equipment Guidelines	16

AADC

NEWS

YOUR TURN

The Disabled: The Invisible Minority

by Kathi Wolfe
Special Projects Coordinator
Office of Communication

A hearing-impaired teenager becomes withdrawn. He loses his appetite and has trouble sleeping. Why is the young man so troubled? Because, he tells a counselor, "I'm going to die soon." "Why do you think so?" the counselor asks. "It must be," he says. "I never see any grown-up disabled people on television."

What images of people with disabilities does TV news present to youth with disabilities? TV news shows rarely depict people with disabilities. When these programs do show people with disabilities, they don't show people like you or me: disabled individuals who lead "ordinary lives." Instead the shows generally portray us as either "helpless victims" or "superheroes."

Those of us with disabilities, like women and people of color, don't often see people like ourselves when we watch TV news. This is not only demeaning but sometimes devastating -- especially to disabled youth who need role models to build up their self-esteem.

Not only are people with disabilities seldom the subjects of TV news stories, just a few of us work on TV news shows. When we are employed, our disabilities are usually kept hidden. For example, a reporter who uses a wheelchair is on the air most nights on a TV news show. However, his wheelchair is rarely shown.

The Americans with Disabilities Act is, perhaps, the most sweeping civil rights legislation since the Civil Rights Act of 1964. And, although much work needs to be done to implement the ADA, more people with disabilities are entering the mainstream than at any other time in history. As never before, we are going to school, taking part in recreational activities and working in professions ranging from law to public offices to corporate managers.

But you'd never know this from watching most TV network news and public affairs programs. The signing of the ADA received little TV news coverage. The few stories that covered the ADA generally reported on the business community's objection to the bill rather than on the civil rights that the law, if implemented, will bring to disabled Americans.

What will it take to change the way TV news covers people with disabilities? Lots of prolonged hard work from the disability community.

First: We must present TV networks with evidence of the lack of news coverage of disabilities and our outrage over the poor quality of most stories that do report on disabilities.

Second: We must work to increase employment of people with disabilities in TV news reporting and production. To influence how television news tells our stories, we need to be in the newsroom -- as interns, producers, editors, and reporters with visible disabilities.

AADC READERSHIP SURVEY

Overwhelmingly, the response from AADC News survey respondents was that the information contained in the newsletter was useful and they wanted to continue receiving the publication. More than half said they would pay their dues before September 1. Although we have received some payments, we have a long way to go before we're at a break-even point. If you intended to pay your dues and have forgotten, please send them in soon. Use the form provided on the back page of this newsletter.

There were a few people who no longer wanted to receive AADC News. Since we did not ask you to sign your name to the survey, we would like to know who you are in order to take your name off the mailing list. Please contact us!

If we need to discontinue the newsletter, your dues will be refunded in full.

INSIDE

	Page
Resources	2
A Note From CADC	2
Calendar	3
Media Notes	3
New Center Announced	4
IDEAS Offers International Fellowships	4



American Television and the Demographics of Disability

by Howard Davis

Disability is a mainstream American experience, like Mom and apple pie. But its reality and presentation in mainstream American television are often two different universes.

The commercial and public television media treats the "handicapped" as a source of curiosity, of dramatic relief from the "normal" world, or an item of interest during political discussion of the social safety net. The realities, however, of the American disabled stretch far beyond these media uses.

And instead of a proportionate amount of air time relating to this 20 percent of the American population, disability and the disabled get considerably less than one percent of media time.

Why?

The answer is simple. America's mainstream media is disabled in its capacity to tell media stories which express the joys and pains, the realities and potentials of the disabled. The scale and scope, the existential dimensions of life for America's disabled are almost invisible in our televideo-saturated culture.

We cannot exclusively blame commercial or public TV. The industry only reflects the anti-disability bias of our entire media. For instance, when New York City refused to install public toilets for the disabled at the moment the Americans with Disabilities Act was being implemented nationwide, they used the reasoning that city officials feared public toilets for the disabled may be used by the homeless or junkies. A *Wall Street Journal* editorial condemned disabled complainers for narrow self-interest and said it was simply an issue of "weighing civil rights against common sense."

What the blind cannot see and the deaf cannot hear, they cannot understand or explain. That's American media's disability.

The Handicapped Mainstream Media. This most invisible minority is pervasively

among us. It knows no economic, social, color, sex, religious or age boundaries. And because most of us turn our heads toward the media-hyped super "normal-noids" of Hollywood's image of reality, we wind up turning our heads away from

America's underclass of the mentally and physically disabled. Oh, we know that they are there.

Like we know we have kidneys, lungs, and heart. They are inside our American life. But we don't look at them much—if ever. And in our mainstream television, the disabled are never followed very long.

Almost never is the face of disability presented from the point of view of those who live it. Or live with it—like the scores of millions in our families of the disabled. Beyond the more than 35 to 50 million Americans that are officially disabled at any time, their relatives and friends constitute another enormous group underrepresented in media.

The lack of serious attention in media for such a huge population of Americans is remarkably unreal. It is possible that historically and psychologically, these persons most invisible to the mainstream media actually constitute the largest underprivileged class in America—below the lowest ethnic group in job opportunities, social status, and life fulfillment opportunities. And yet the true story is that these "special" Americans are an undiscovered treasure to our media, our culture and even economic potential.

Enormous Scale and Diversity. Who are the disabled ignored in America's teleculture? And what motivates them?

You may find out because you could join their ranks at any time. "Live long enough, and all the abled become disabled," said one expert, herself disabled later in life. An increasing number of

disabled now joke about the smugness of what they call "the temporarily abled," those of us who may think of ourselves as "normal."

A 1994 census report counted 49 million disabled Americans. But it's difficult to estimate how many disabled we have among us because different folks have different definitions. Most researchers use the limitations to normal life to define the boundary between the abled and disabled population. Others seek a much broader definition to include any disease or chronic health condition. In these looser terms, 120 million Americans live with personal disability—over a third of us. Since disability catches up with us as we age, no one is far from its reaches.

The critically acclaimed book which best summarizes America's disabled population is *NO PITY* by Joseph Shapiro, published in 1994. Shapiro says "there are some 30 million African-Americans. So, even at the lowest estimate, disabled people could be considered the nation's largest minority."

Disabilities claim enormous economic resources. In 1990, federal and state governments spent \$60 billion on checks for disabled people. If all the costs were added up, disability directly costs the U.S.

economy \$170 billion. If you added the lost employment and productivity of these persons, the figure would be much higher.

Some disabled don't want to talk about how many there are, because they believe it's pointless. It's easy to understand why. Like all of us, disabled persons resist being pigeonholed. A woman with a severe disability put her feelings on the line about being

placed in a category this way: "Don't keep trying to count us. We are here, you can see most of us if you look."

America's mainstream television chooses not to look. While some disabled activists believe that the disabled community is so extensive and diverse it is

See American Television, page 14...

"Who are the disabled ignored in America's teleculture? And what motivates them?"

"...the true story is that these 'special' Americans are an undiscovered treasure to our media..."

American Television and the Demographics of Disability

Continued from page 8

pointless to quantify it, the scale of our disabled population must be appreciated to understand the potential of media to more accurately portray its nature in American life.

Disease of the Week Stereotypes. There are hundreds of disabilities. Some are congenital and disenable mental or communication functions like retardation, autism, or cerebral palsy. Who ever saw a sitcom or movie dealing with cerebral palsy?

Have you seen any realistic treatment in dramatic or documentary form, or a first-person extended discussion interview about the three-to-five million learning disabled persons in America? Not much. Maybe an item here or there, a bit on the news magazine, but not much.

As a microcosm of disability, consider autism and its treatment in the media. This is the one rare instance that a disability has been considerably portrayed in the media in the last five years, probably because of its mystical association with occasional brilliant splinter skill traits of genius—like winning at blackjack in Las Vegas as **Dustin Hoffman** portrayed in *Rainman*. Since the days of the American circus, media has always had a niche for "freak" show curiosity.

Such video reductionism doesn't do the autistic person much good. Nor the American public awareness.

There are 250,000 persons with autism in the U.S. Together they would make up a city larger than Pasadena, California. Yet 70% of Americans with autism over 30 years old are institutionalized at a cost of over \$30,000 a year on one form or another of government funding. Compared to rock stars, rap singers, or professional basketball players, American media has no time for autism. Because autism is a disability, and these others are fun.

Smaller in population than Down syndrome, autism has gotten far more dramatic attention than Down syndrome in terms of major characterizations in the disease-of-the-week primetime-for-network movies. But almost always these dramatic

works have shown families and "normal" people plunging into a tragedy. Relationships fall apart with one of the parents becoming crazy, obsessive, or so depressed that sustaining meaningful relationships is impossible. Virtually never does the family persevere after years of difficulty, adjust, and come out stronger. Or even coping. Yet in real life, many families with autism stay together, a trait that is increasing uncommon among marriages in the "normal" population.

More tragic is the real-life impact of this television treatment. An autistic person has never been dramatized as

succeeding in anything in America's fictional television or movies. Would you be the first in your neighborhood to hire an autistic person after watching?

Many of these stereotypes are fictions. They further entrench already ingrained aversion to the disabled. But now autistic persons are succeeding. And with real-life drama, the new population of autistic children growing up with massive early intervention, many are emerging living nearly typical lives.

Did you know that? If you did, you probably didn't learn it from television.

Even **Dustin Hoffman's** portrayal, sensitive and accurate as the professional critics love to think it is, has come to be a noose around the public's neck in choking off public awareness of autism's current realities, many autism activists believe.

Market Potential for Disability Programming. Only

occasionally do we get glimpses of the market potential for programming that treats the disabled realistically.

We can only get a clue from isolated anecdotes. For instance, the response to a Sunday edition newspaper ad which had a Down syndrome child used as a typical model for a product stunned the executives of the Minneapolis-based **Target** department store chain. The ad with the child was only one small picture in the midst of dozens of others in the circular, but it generated over two thousand letters of thanks, recounts **NO PITY** author **Shapiro**.

Public access producers who tell the story of the disabled well often get tremendous and sympathetic responses from the community. It is here that one of the great potentials exist for access to fill a niche unoccupied by anyone else in American media. Several types of programming, in fact all genre, can be used to inform and inspire audiences of the "abled" community, as well as bring hope, information, representation, and entertainment to the disabled community.

The demographics of American disability certainly support a wide open potential for access and community television producers and administrators to fulfill. It's up to us to make it happen.

Howard Davis is Co-Editor-In-Chief of this issue of CMR.

"Public access producers who tell the story of the disabled well often get tremendous and sympathetic responses from the community."



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OBJECTIVES

To creatively communicate information that is geared toward the public's interest and need.

EDUCATION

(Post disability) Received a Broadcast Arts & Management degree from Southern Ohio College in Cincinnati Ohio in October 1983. Magna Cum Laude graduate.

(Pre-disability) Scholastic aptitude earned admission to Dame Edith Owens School for Exceptional Achievers in London England.

PROFESSIONAL EXPERIENCE

(Post disability) As Editor in Chief/Public Information Specialist for Ohio's Hamilton County Community Mental Health Board, organized and coordinated information and education efforts with the county's 100+ mental health service deliverers, their boards and committees.

Independently produced, conceptualized, scripted, directed, narrated diverse video programs including documentaries and entertainment programming for the City of Cincinnati; Boone County Kentucky, Juvenile Court; Kenton County, Kentucky, Education System; Storer Cable; Women in Communications; Greater Cincinnati Literacy Network; State of Ohio Rehabilitation Services Commission; Canada's Disabled Peoples' International.

PERSONAL DATA

(Pre disability) Obtained American citizenship in 1984

(Post disability) In 1989, founded Ability Today, Inc., and obtained 501(c)(3) status for the specific purpose of accessing state/federal funds in order to increase the independence, productivity, and employment potential of disabled Americans across the country. (501(C)(3) status stands, but agency is currently inert.)

(Post Disability) Unencumbered/free to travel independently

AWARDS (Post disability)

Warner Cable Blue Chip Media Award
National Federation of Local Cable Programming Award
State of Ohio Public Images Video Production Award
Southwest Ohio Rehabilitation Association Media Award
Southwest Ohio Lung Association Media Award

HONORS (Post disability)

Listed in Easter Seals National Directory of "People Who Make a Difference" (1993)
Named Greater Cincinnati Area Professional Disabled Woman of the Year by the President's Committee on Employment of People with Disabilities/Pilot Club International (1990)
Elected to Rehabilitation Services Commission Advisory Board, Columbus & Cincinnati (6 yrs.)
Elected to Cincinnati Independent Living Options Advisory Board (2 yrs.)

VW PRODUCTIONS

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May 7, 1998

**Magalie Roman Salas
Office of the Secretary
Federal Communications Commission
Washington, D.C. 20554**

Honorable Commissioners:

Much comment has been extended as to how telecommunication products can be made accessible to/for people with disabilities. And accommodations have been made, rightfully so, for segments of the disabled community, i.e., people with sight and hearing impairments. As an informed video producer with a disability, I respectfully submit comment regarding broadcast television's principal service, the transmission of video product through the public airwaves. This key television service currently *"tends to screen out"* (504/ADA) the needs of a major viewing community—the national community of people with disabilities and their families.

Census data reveals that citizens with disabilities account for about **twenty percent** of the nation's population. Living with these individuals is at least an equal number of family members and care givers. Despite this, sources such as the Washington based Community Media Review, estimate that disability and disability related issues receive a disproportionate **one percent** coverage by America's teleculture (see attached.)

-2

Integration of individuals with disabilities into the mainstream of society is fundamental to the purposes of the ADA. And while the FCC uses different language than the ADA, it too holds that television stations have a responsibility to provide a balanced service that meets the *varied* needs of its home community. But eight years after passage of the ADA, and contrary to FCC directives, the nation's teleculture continues to unequally and subjectively service the needs and interests of the disabled community—America's largest minority.

Housing, transportation, employment, education, and assistive technology issues effect millions of disabled Americans and their families directly, yet these subjects are rarely addressed by the news media. And while today's disabled citizenry takes part in recreational activities, and works in jobs ranging from Senator to school teacher, television continues to put a charitable spin on their minus 1% disability coverage—for the most part still depicting disabled people as helpless victims or super heroes. These munificent portrayals are neither in the best interest of the general public, nor are they in the best interest of the disabled community. Exploitation for dramatic effect tends to support not remove attitudinal barriers for people with disabilities.

Television is a powerful medium known to be capable of effecting peoples actions and thinking. It is reasonable then to expect that ongoing coverage of relevant disability matters could (a) improve attitudes about disability; (b) foster the integration of citizens with disabilities into the social and economic mainstream of life. *These are matters of public interest.*

-3

There is strong support for television to provide more equitable, meaningful, television service to the community of people with disabilities. Congress/the ADA noted that discrimination against disabled people remains pervasive in critical areas such as communication. The United Nation's World Program of Action Concerning Disabled Persons urged, "Disabled persons should be given equal media access so that they can freely communicate their points of view to the general public." National Easter Seals created the *EDI* awards in order to foster media efforts that encourage equality, dignity, and independence of people with disabilities.

The disabled community does not seek to alter television's central service, but rather it seeks a good faith reasonable response effort from America's teleculture to more fairly and factually include matters of import to the disabled community in their news coverage. This can be "readily and easily achieved" by television networks and independents alike.

According to Census data, less than one percent of professionals working in television today are people with disabilities. *A more responsive equal employment opportunity outreach to qualified producers, editors, reporters, and consultants with disabilities is therefore a correction that could and should be "readily achieved" by today's teleculture.* Indeed, digital production technology is now widely used in the television industry. This technology so simplifies the production process it allows qualified disabled production staff could easily produce disability issue programs in house. Digital production technology also

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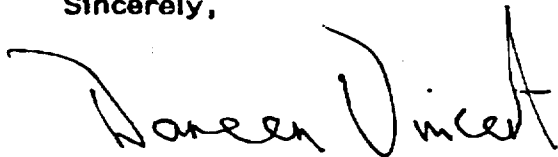
allows disabled freelance producers to contract with the TV industry to create informed disability issue programs. Programs that by design could educate and entertain a "universal" viewing audience. Programs that would more likely than not enhance the image and profit of TV stations that bought and aired them.

As a staunch advocate/award winning producer with a disability, I am encouraged by the Notice of Proposed Rulemaking statements of, **Commissioner Powell**: *"The principal of universal service is ultimately inclusion, and the disabled community should not be overlooked"*; **Commissioner Tristani**, *"unemployment among people with disabilities is roughly 73 percent (and) telecommunications is at the core of our society—it is, increasingly, how we communicate with one another, how we learn, how we work;* and **Commissioner Furchtgott-Roth**, *"we have here an opportunity for rational regulation and a role for the federal government."*

In response to FCC's request for comment on "readily achievable" defenses.

I respectfully submit I know of no defense to unduly disregarding either ADA law, FCC mandate, and/or EEOC regulation.

Sincerely,



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